

IN THE IOWA DISTRICT COURT IN AND FOR LINN COUNTY

TONYAMARIE ADAMS, individually and on behalf of A.H., her minor son,  Plaintiff,  vs.  CITY OF CEDAR RAPIDS, IOWA and NATHAN TRIMBLE,  Defendants.	No.       ORIGINAL NOTICE
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TO THE ABOVE-NAMED DEFENDANT(S):

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendant in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The attorneys for the plaintiff(s) are Pickens, Barnes & Abernathy whose address is 1800 First Avenue NE, P.O. Box 74170, Cedar Rapids, Iowa 52407-4170. The attorneys' phone number is (319) 366-7621; facsimile number is (319) 366-3158.

You must serve a motion or answer within 20 days after service of this original notice upon you and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for Linn County, at the county courthouse in Cedar Rapids, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 319-398-3920 ext-1105. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

(SEAL)

CLERK OF COURT

By \_\_\_\_\_  
Designee  
Linn County Courthouse  
Cedar Rapids, Iowa

**IMPORTANT**

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

**Iowa Judicial Branch**

Case No. **LACV097480**

County **Linn**

Case Title **ADAMS VS. CITY OF CEDAR RAPIDS & TRIMBLE**

You must file your Appearance and Answer on the Iowa Judicial Branch eFile System, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless the court has excused you from filing electronically (see Iowa Court Rule 16.302).

Register for the eFile System at [www.iowacourts.state.ia.us/Efile](http://www.iowacourts.state.ia.us/Efile) to file and view documents in your case and to receive notices from the court.

For general rules and information on electronic filing, refer to the Iowa Rules of Electronic Procedure in chapter 16 of the Iowa Court Rules at [www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf](http://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf).

Court filings are public documents and may contain personal information that should always be kept confidential. For the rules on protecting personal information, refer to Division VI of chapter 16 of the Iowa Court Rules and to the Iowa Judicial Branch website at [www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/](http://www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/).

Scheduled Hearing:

If you need assistance to participate in court due to a disability, call the disability access coordinator at **(319) 398-3920**. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). For more information, see [www.iowacourts.gov/for-the-public/ada/](http://www.iowacourts.gov/for-the-public/ada/). **Disability access coordinators cannot provide legal advice.**

Date Issued **04/28/2021 04:10:29 PM**



District Clerk of Linn  
Is/ Chris Slaymaker

County

IN THE IOWA DISTRICT COURT IN AND FOR LINN COUNTY

TONYAMARIE ADAMS, individually and on behalf of A.H., her minor son,  Plaintiff,  vs.  CITY OF CEDAR RAPIDS, IOWA and NATHAN TRIMBLE,  Defendants.	No.    PETITION AT LAW & JURY DEMAND
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Plaintiff TonyaMarie Adams, individually and on behalf of A.H., her minor son, for her Petition at Law, states:

1. Plaintiff TonyaMarie Adams is a Linn County, Iowa resident and the mother of A.H., a minor.
2. A.H. is a 13-year-old black male.
3. Defendant City of Cedar Rapids, Iowa is a Linn County municipal corporation organized under Iowa law.
4. Defendant Nathan Trimble is employed by the City of Cedar Rapids and its Police Department (CRPD).
5. On or about the early morning hours of August 12, 2020, A.H. was lawfully in the backyard of a friend's house in Cedar Rapids.
6. On information and belief, in the same general area at the same time, CRPD officers were searching for young males believed to be involved in the theft of an automobile.
7. A.H. had no involvement in the automobile theft nor any related illegal activities.

8. The CRPD and Trimble deployed a police canine to search for and apprehend the young black male suspects believed to be involved in the automobile theft.

9. The police canine handled by Trimble has on at least one prior occasion attacked a citizen without provocation or command.

10. Trimble failed to adequately control the police canine as it sporadically darted throughout a residential neighborhood.

11. The police canine encountered A.H. and attacked him without command or provocation.

12. The police canine latched onto A.H.'s arm and refused to release his arm despite being commanded to do so by Trimble.

13. CRPD officers forcefully arrested A.H. and threatened him with numerous charges for conduct which he was not affiliated with nor involved.

14. CRPD officers assumed A.H. was involved in the nearby criminal activity simply by virtue of his race and appearance as a 13-year-old black male.

15. CRPD officers did not conduct any investigation or seek any additional information before searching, detaining, and arresting A.H.

16. CRPD officers wrongfully told medical personnel at St. Luke's Hospital that A.H. "was in a car that was involved in a pursuit which resulted in a foot pursuit."

17. After being treated for his injuries, A.H. was released from CRPD custody and has not been charged with any criminal activity.

18. The police canine attack and arrest of A.H. caused him physical and emotional injuries and damages which exceed the jurisdictional minimum of this Court.

19. A.H.'s injuries and damages have caused TonyaMarie Adams a loss of consortium.

**Count I: Excessive Force**

20. Plaintiff incorporates paragraphs 1–19 of this Petition as if set forth fully herein.

21. CRPD officers, including Trimble, used excessive force in deploying a police canine and forcefully arresting A.H.

22. CRPD officers violated A.H.'s right to be free from the use of excessive force by law enforcement personnel as guaranteed by Fourth and Fourteenth Amendments to the United States Constitution, as enforced through 42 United States Code section 1983, and Article I, Section Eight, of the Iowa Constitution.

23. The excessive force used by CRPD officers was a cause of the injuries and damages sustained by A.H.

24. The conduct of the CRPD officers amounted to a reckless disregard for the rights and/or safety of others, including A.H., thus giving rise to a claim for punitive damages.

Wherefore, Plaintiff TonyaMarie Adams, individually and on behalf of A.H., her minor son, respectfully requests the Court enter judgment against Defendants Nathan Trimble and the City of Cedar Rapids for the full extent of their injuries and damages, punitive damages, and attorney fees, plus interest and costs as allowed by law.

**Count II: Race Discrimination**

25. Plaintiff incorporates paragraphs 1–24 of this Petition as if set forth fully herein.

26. CRPD officers violated A.H.'s right to be free from racial profiling and discrimination as guaranteed by the Thirteenth Amendment to the United States Constitution, and Article I, Section Twenty-Three, of the Iowa Constitution, and 42 United States Code sections 1981 and 1982.

27. The racial profiling and the resulting excessive force and arrest of A.H. was a cause of the injuries and damages sustained by A.H.

28. The conduct of the CRPD officers amounted to a reckless disregard for the rights and/or safety of others, including A.H., thus giving rise to a claim for punitive damages.

Wherefore, Plaintiff TonyaMarie Adams, individually and on behalf of A.H., her minor son, respectfully requests the Court enter judgment against Defendants Nathan Trimble and the City of Cedar Rapids for the full extent of their injuries and damages, punitive damages, and attorney fees, plus interest and costs as allowed by law.

### **Count III: Strict Liability**

29. Plaintiff incorporates paragraphs 1–28 of this Petition as if set forth fully herein.

30. The City of Cedar Rapids and/or Trimble were the owner(s) of the police canine which attacked A.H.

31. Pursuant to Iowa Code section 351.28, the City of Cedar Rapids and/or Trimble are strictly liable for the injuries and damages caused by the police canine.

Wherefore, Plaintiff TonyaMarie Adams, individually and on behalf of A.H., her minor son, respectfully requests the Court enter judgment against Defendants Nathan Trimble and the City of Cedar Rapids for the full extent of their injuries and damages, plus interest and costs as allowed by law.

### **Count IV: Negligence**

32. Plaintiff incorporates paragraphs 1–31 of this Petition as if set forth fully herein.

33. CRPD officers, including Trimble, have a duty to exercise reasonable care in law enforcement activities.

34. Trimble and other CRPD officers breached this duty and were negligent in training the police canine, deploying the police canine, controlling the police canine, and/or detaining and arresting A.H.

35. The negligence of Trimble and other CRPD officers was a cause of A.H.'s injuries and damages.

Wherefore, Plaintiff TonyaMarie Adams, individually and on behalf of A.H., her minor son, respectfully requests the Court enter judgment against Defendants Nathan Trimble and the City of Cedar Rapids for the full extent of their injuries and damages, plus interest and costs as allowed by law.

**Jury Demand**

Plaintiff TonyaMarie Adams, individually and on behalf of A.H., her minor son, requests a trial by jury.

PICKENS, BARNES & ABERNATHY

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Original filed electronically.